

Remarks

Claims 34 and 35 were rejected as unpatentable over Isele in view of Bolle. First of all, Isele is concerned with a hinge suitable for a piece of "furniture" such as a cabinet and its door, not a door separating rooms or occupational spaces.

Isele does not provide such a type of hinge, because in a closed state of the Isele hinge, the hinge members 3 and 5 form approximately 90 degrees and are not facing each other in a recess of the door frame. Isele clearly depicts a first flap consisting of at least two parts (3 and 30), one part (30) attachable to a cabinet wall by screws (not shown) and the first and second parts adjustably attachable to each other by e.g. members 11, 12; 30, 31 (Fig. 5) or by members 13-16, 7;28 and 11;12. It would indeed require a fundamental inventive step to adapt the invention of Isele to a type of hinge contemplated according to the present claimed invention as now recited in 34(a).

As regards 34(b) and 34(c), Isele does NOT show an adjustable screw body fastened in the door frame member, nor does he show a fastening screw which extends through a hole in the first hinge flap and engages a threaded axial hole in the screw part (which is adjustably screwed into the door frame). Instead, Isele has an adjustment member as e.g. depicted in Figure 3. Accordingly, 34(a) and 34(b) have been amended to distinctly claim these differences.

Notably, screw members to extend through the hole in member 30 of Isele do NOT provide for any angular adjustment as recited in 34(e). The examiner has cited Bolle which is related to using screws 4 instead of rivets to attach the glasses of the spectacle. It is respectfully requested that the examiner should deeply reconsider the relevance of Bolle. He seems to suggest that the member 18 of Bolle could instead of being riveted into member 19 instead be screwed into member 19.

However, the examiner in this context makes use of considerable hindsight from the teachings of the present application in an attempt to derive a technical solution which he believes is identical or at least suggestive of the present application. However, it should be noted that the cross section interior of member 19 and the cross section of member 18 cannot be circular, but rather it is likely oval or polygonal in order to avoid member 18 being movable about its

longitudinal axis relative to member 19. In other words, members 18 and 19 MUST form a unit. Replacing member 17, 18 by a screw would in the context be a non-working solution, unless member 19 had a screw tool engaging means and could in an adjusted state have enough friction to be kept in place while an imaginary screw was inserted into member 19. Otherwise, there would have been a high risk that when such imaginary screw was inserted, the member 19 could risk turning with the screw, and thus making any premade adjustment incorrect. In any case, no person would ever consider buying such a hinge even for a cupboard door, as it would be too cumbersome to adjust.

However, with a door hinge of the present application, the screw body is adjusted in its direct connection with the door frame body, and the fastening screw fixes the corresponding part of the flat member of the first hinge flap to the screw body, simultaneously with the screw members securing the hinge flap to the frame member (so that the flap does not fall off the frame). With the suggestion as proposed by the Examiner, while adjusting member 19, the member 3 would likely disengage member 30 at location 7,28, see in particular Fig. 2. Still, when viewing Fig.5 of Isele, it is easy to see that the first hinge flap is of a two-piece structure, and that the rear screw 31 provides for depth adjustment. Even so, replacing member 18 by a screw would imply that the part 3 of the hinge member would hang only at its rear part and with a room door the whole door would sag (because the door assembly must be open in order to perform adjustments). So, the examiner is making a non-useful amended solution on a well-performing cupboard hinge in an unsuccessful attempt to arrive at the present invention. It should also be noted that the first hinge flap of the present application is not only supported by the screw members but also by a flap receiving recess on the frame member. Such an arrangement is not possible with Isele, nor required, nor practical.

Claim 37 has been rejected with further reference to Sitter. The use of Sitter is inappropriate. The abstract specifically states that there is made possible adjustment of hinge wing 1 transversely of axis of hinge rotation. The device of Sitter is a depth adjuster, not a height adjuster. Further, it seems rather remote to apply a total of four references to reject claim 37.

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In addition, new claim 38 has been added. Claim 38 is similar to claim 35 with the additional term "recessed" inserted after "adjacent". Still further claim 39 has been added and is similar to claim 36 with the addition that the second one of the hinge flaps is configured to be releaseably inserted into "a pocket" of a mounting fitting or an insertion fitting affixed to "a vertical transverse end of" the door leaf of the door assembly.

Accordingly, Applicant respectfully requests reconsideration and allowance of claim 34 and the claims that depend therefrom.

Applicant respectfully requests reconsideration in all of the claims remaining in this application. If the Examiner has any questions, the Examiner is requested to call the undersigned at 612-331-7415.

Respectfully submitted,

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